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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/705,443

11/10/2003

John T. Waidner

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4601

22851

7590

12/17/2004

DELPHI TECHNOLOGIES, INC.

M/C 480-410-202

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TROY, MI 48007

EXAMINER

ELLINGTON, ALANDRA

ART UNIT

PAPER NUMBER

2855

DATE MAILED: 12/17/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/705,443

Applicant(s)

WAIDNER ET AL.

Examiner

Alandra Ellington

Art Unit

2855

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-6 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 10 November 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____.  |

## DETAILED ACTION

### *Claim Rejections - 35 USC § 103*

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over McLaughlin (5,979,078) in view of Rudy (5,916,664).

- a. With respect to claim 1, McLaughlin discloses a bladder with first and second sheets 40,45 of elastomeric material that are peripherally joined to form a closed volume that is filled with fluid (col. 3 lines 40-42,59-66, col. 4 lines 17-35,42-55,64-67 {Fig. 3}). However, McLaughlin does not teach an elastomeric material having a thickness in the range of 1 mm (0.04 inch) to 2,54 mm (0.100 inch). Rudy teaches a bladder with first and second sheets 31,33 having a thickness of about 0.008 inches to about 0.030 inches (col. 6 lines 4-6 {Fig. 13A}). It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify McLaughlin with the teachings of Rudy to include an elastomeric material having a thickness in a selected range for the purpose of permitting the cushion operate in low pressures (see Rudy, col. 5 lines 57-67, col. 6 lines 1-6).

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- b. With respect to claim 2, Rudy teaches a bladder with first and second sheets 31,33 having a thickness of in a selected range (col. 6 lines 4-6 {Fig. 13A}).
- c. With respect to claim 3, Rudy teaches the first sheet 3,31 as the upper sheet of the bladder (col. 4 lines 56-65 {Figs. 1A,13A}).
- d. With respect to claim 4, Rudy teaches the first sheet 5,33 as the lower sheet of the bladder (col. 4 lines 56-65 {Figs. 1A,13A}).
- e. With respect to claim 5, Rudy teaches a bladder with first and second sheets 31,33 having a thickness in a selected range (col. 6 lines 4-6 {Fig. 13A}).
- f. With respect to claim 6, McLaughlin discloses an annular sheet 50,55 of elastomeric material peripherally joining the first and second sheets 40,45 of elastomeric material to form a closed volume, the annular sheet 50,55 being seam welded to peripheral portions of the first and second sheets 40,45 (col. 4 lines 42-55 {Fig. 3}). Rudy teaches a sheet having a thickness in a selected range (col. 6 lines 4-6 {Fig. 13A}).

***Conclusion***

- 3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

(6,687,933)

- 4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alandra Ellington whose telephone number is (571) 272-2178. The examiner can normally be reached on Monday - Friday, 7:30am - 4:00pm.

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5. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward Lefkowitz can be reached on (571) 272-2180. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

6. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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Art Unit 2855



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